REMARKS

In response to the Final Office Action dated May 11, 2010, and in response to the Request for Continued Examination file herewith, claims 1 and 19 have been amended and new claim 29 has been added. Claim 28 has been canceled. Claims 1-2, 4-9, 12 and 19-27 and 29 are pending in the application.

In paragraph 2 on page 2 of the Office Action, claims 1 , 2, 4-9, 19-22 and 27-28 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Naimpally in view of Aoki, and in further view of Kotz.

In paragraph 3 on page 16 of the Office Action, claim 12 was rejected under 35 U.S.C. § 103(b) as being unpatentable over Naimpally in view of Aoki and Kotz, and in further view of Chang.

In paragraph 4 on page 17 of the Office Action, claims 23-26 were rejected under 35 U.S.C. § 103(b) as being unpatentable over Naimpally in view of Aoki and Kotz, and in further view of Ellis.

Applicant respectfully traverses the rejection. Applicant has amended claim 1 to recite the recommendation engine/subsystem as recited in independent claims 19 and 28.

Independent claim 1 sets forth a recommendation system, coupled to the head-end and the viewer subsystem by a communications network, the recommendations system comprising a customized viewing profile, a customized viewing recommendation list and a recommendation engine for providing a customized viewing-recommendations list for the viewer subsystem based upon programming data maintained at the distribution head of the content distributor and the customized viewing profile and viewer content selection

history associated with a user of the viewer subsystem, an audio generating system, disposed at and coupled to the head-end, the audio generating system comprising a smart audio guide audio package retrieved from the head end of the content distributor that includes at least a plurality of smart audio guide audio clips corresponding to each program included in the programming data maintained at the distribution head of the content distributor and a smart guide actuator that is configured and operative in response to one or more predetermined conditions to activate the rendering of the smart audio guide audio clips and the customized viewing-recommendations list~~;~~ ,-wherein the plurality of smart audio guide audio clips are generated at a head-end of the content distributor by the audio generating system and are stored in a database at the head-end and an interface device coupled to the viewer subsystem, the interface device implementing an electronic program guide smart audio guide system functions, wherein said interface device is configured and operative to cause the electronic program guide to display a recommended program listing at the view subsystem based upon the customized viewing-recommendations list, the interface device further configured to retrieve , from the audio generating system, smart audio guide audio clips corresponding to the programs in the recommended program listing , wherein the retrieved smart audio guide audio clips are uttered in a predetermined mode at the viewer subsystem via the audio unit when activated to identify the programs in the recommended program listing for viewing at the viewer subsystem based upon the customized viewing-recommendations list and wherein the plurality of smart audio guide audio clips are uttered and a corresponding visual presentation of the information is modified respectively to synchronize the uttering of

each of the plurality of smart audio guide audio clips with a corresponding visual presentation of a matching program in the recommended programming list. Independent claims 19 and 29 include similar elements.

Naimpally merely describes a system that stores EPG information, and that includes a text-to-speech (TTS) synthesizer that is used to convert text to speech (audio). Naimpally discloses that a user may navigate the EPG text displayed on the screen so that when the user focuses on a specific grid of the EPG, the audio portion corresponding to the specific grid may then be announced by voice.

However, Naimpally fails to disclose a recommendation system, coupled to the head-end and the viewer subsystem by a communications network, that includes a customized viewing profile, a customized viewing recommendation list and a recommendation engine for providing a customized viewing-recommendations list for the viewer subsystem based upon programming data maintained at the distribution head of the content distributor and the customized viewing profile and viewer content selection history associated with a user of the viewer subsystem. According to Naimpally, programs are displayed in a guide, but the guide does not display only a customized viewing-recommendations list, wherein only audio clips associated with programs in the customized viewing-recommendations list are uttered in synch with the matching programs from the customized viewing-recommendations list.

Naimpally also fails to disclose a plurality of smart audio guide audio clips corresponding to each program included in the programming data maintained at the distribution head of the content distributor. Instead, Naimpally discloses generating

audio from text. Naimpally discloses that the text to speech conversion system is disposed as the head-end.

Naimpally further fails to disclose retrieving smart audio guide audio clips that are uttered in a predetermined mode at the viewer subsystem via the audio unit when activated to identify the programs in the recommended program listing for viewing at the viewer subsystem based upon the customized viewing-recommendations list. Again, Naimpally merely generates audio from text.

Still further, Naimpally fails to disclose that a plurality of smart audio guide audio clips are uttered and a corresponding visual presentation of the information is modified respectively to synchronize the uttering of each of the plurality of smart audio guide audio clips with a corresponding visual presentation of a matching program in the recommended programming list. Naimpally does not disclose synchronizing a visual presentation of a matching program in the recommended programming list with the uttering of a smart audio guide audio clips corresponding to the visual presentation of a matching program in the recommended programming list. Rather, Naimpally merely discloses a digital converters that receive baseband video and audio signals from a broadcasting television station, and provide digital audio and digital video to a processor for formatting and synchronization. However, Naimpally is only referring to the formatting and synchronization of the audio and video of a broadcast, not the synchronizing of a visual presentation of a matching program in the recommended programming list with the uttering of a smart audio guide audio clips corresponding to the visual presentation of a matching program in the recommended programming list.

Naimpally discloses that when the user focuses on a specific grid of the EPG, the audio portion corresponding to the specific grid may then be announced by voice. However, Naimpally fails to mention modifying a corresponding visual presentation of the information to synchronize the uttering of each of the plurality of smart audio guide audio clips with matching program data.

Thus, Naimpally fails to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 29, as amended.

Aoki fails to overcome the deficiencies of Naimpally. Aoki merely discloses a system that uses an EPG and a profile database to identify a single program to the user. Further, Aoki discloses that the recommended program is presented to the user by an agent interface and is not presented in a recommended program list. Still further, Aoki discloses that the recommended program is only presented to the user at a predetermined time immediately prior to the start time of the recommended program. In addition, Aoki discloses that the recommendation agent is disposed at the user's location.

Accordingly, Aoki fails to disclose a recommendation system, coupled to the head-end and the viewer subsystem by a communications network, that includes a customized viewing profile, a customized viewing recommendation list and a recommendation engine for providing a customized viewing-recommendations list for the viewer subsystem based upon programming data maintained at the distribution head of the content distributor and the customized viewing profile and viewer content selection history associated with a user of the viewer subsystem. According to Aoki, all data is maintained at the agent interface, which is located at the user's location.

Aoki also fails to disclose, teach or suggest a smart audio guide audio package maintained at the head end of the content distributor. Rather, Aoki discloses that any audio package is maintained at the user's location.

Aoki further fails to disclose, teach or suggest the plurality of smart audio guide audio clips are generated at a head-end. Rather, Aoki only discloses identifying a single program to the user. Aoki fails to even show a head-end.

Aoki fails to suggest retrieving smart audio guide audio clips corresponding to the programs in the recommended program listing. Aoki fails to suggest that a plurality of smart audio guide audio clips are uttered synchronously with a modified visual presentation of a matching program in the recommended programming list.

Thus, Naimpally and Aoki, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 29, as amended.

Kotz fails to overcome the deficiencies of Aoki and Naimpally. Kotz only discloses a server and a client system, wherein a server provides a recommended list of content based on input from the user and feedback regarding recommendations. However, Kotz does not disclose a recommendation system, coupled to the head-end and the viewer subsystem by a communications network, that includes a customized viewing profile, a customized viewing recommendation list and a recommendation engine for providing a customized viewing-recommendations list for the viewer subsystem based upon programming data maintained at the distribution head of the content distributor and the customized viewing profile and viewer content selection history associated with a user of the viewer subsystem. Kotz does not even mention monitoring the user's history

outside of selections from the recommended list. Kotz discloses that all data and content is maintained at the server (head-end). Moreover,, Kotz fails to even mention providing a customized viewing-recommendations list for the viewer subsystem based upon programming data maintained at the distribution head of the content distributor and the customized viewing profile and viewer content selection history associated with a user of the viewer subsystem.

Kotz also fails to disclose a plurality of smart audio guide audio clips corresponding to each program included in the programming data maintained at the distribution head of the content distributor. Instead, Kotz merely discloses determines recommendations in accordance with past user selections. A server process provides lists of recommended content to a client process through a WAN, associated with an identified user. The user on the client process then selects content and provides the server process with a rating through the user feedback input. Kotz does not even mention smart audio guide audio clips corresponding to each program included in the programming data.

Kotz further fails to disclose retrieving smart audio guide audio clips that are uttered in a predetermined mode at the viewer subsystem via the audio unit when activated to identify the programs in the recommended program listing for viewing at the viewer subsystem based upon the customized viewing-recommendations list. Again, Kotz does not even mention smart audio guide audio clips corresponding to each program included in the programming data.

Still further, Kotz fails to disclose that a plurality of smart audio guide audio clips are uttered and a corresponding visual presentation of the information is modified respectively to synchronize the uttering of each of the plurality of smart audio guide audio clips with a corresponding visual presentation of a matching program in the recommended programming list. Kotz does not disclose synchronizing a visual presentation of a matching program in the recommended programming list with the uttering of a smart audio guide audio clips corresponding to the visual presentation of a matching program in the recommended programming list. Rather, Kotz merely provides recommendations based on user input. Kotz does not mention audio clips or that audio clips are synchronized with programs in an EPG.

Thus, Naimpally, Aoki and Kotz, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 29, as amended.

Chang fails to overcome the deficiencies of Naimpally, Aoki and Kotz. Rather, Chang is merely cited as disclosing temporarily discontinuing audio. Chang simply fails to suggest the elements discussed above with respect to Naimpally, Aoki and Kotz.

Thus, Naimpally, Aoki, Kotz and Chang, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 29, as amended.

Ellis fails to overcome the deficiencies of Aoki, Naimpally, Kotz and Chang. The Office Action states that Ellis discloses that a normal presentation of the EPG is modified in response to the presence of recommended content within an EPG page.

However, Ellis merely discloses a flip bar showing a program replacement guide is displayed over a blank screen when a program has been blacked out to recommend replacement media. Programs may be recommended because they have similar program attributes as a blacked-out program or based on a user's viewing habits. However, Ellis does not mention a recommendation system, coupled to the head-end and the viewer subsystem by a communications network, that includes a customized viewing profile, a customized viewing recommendation list and a recommendation engine for providing a customized viewing-recommendations list for the viewer subsystem based upon programming data maintained at the distribution head of the content distributor and the customized viewing profile and viewer content selection history associated with a user of the viewer subsystem.

Ellis further fails to mention modifying a corresponding visual presentation of the information to synchronize the uttering of each of the plurality of smart audio guide audio clips with matching program data.

Further still, Ellis does not suggest a smart audio guide audio package maintained at the head end for providing a plurality of smart audio guide audio clips corresponding to each program included in the programming data maintained at the distribution head of the content distributor.

Ellis also fails to suggest that the plurality of smart audio guide audio clips are generated at a head-end of the content distributor and stored in a database at the head-end. Ellis also fails to suggest retrieving audio clips corresponding to the programs in the recommended program listing. Ellis further fails to suggest audio clips are uttered with a

corresponding visual presentation of the information that is modified respectively to synchronize the uttering of each of the plurality of smart audio guide audio clips with matching program data in the visual presentation of the information.

Thus, Aoki, Naimpally, Kotz, Chang and Ellis, alone or in combination, fail to disclose, teach or suggest the invention as defined in independent claims 1, 19 and 29, as amended.

Dependent claims 2, 4-9, 12 and 20-27 are also patentable over the references, because they incorporate all of the limitations of the corresponding independent claims 1 and 19, respectively. Further dependent claims 2, 4-9, 12 and 20-27 recite additional novel elements and limitations. Applicants reserve the right to argue independently the patentability of these additional novel aspects. Therefore, Applicants respectfully submit that dependent claims 2, 4-9, 12 and 20-27 are patentable over the cited references.

On the basis of the above amendments and remarks, it is respectfully submitted that the claims are in immediate condition for allowance. Accordingly, reconsideration of this application and its allowance are requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Attorney for Applicant, David W. Lynch, at 865-380-5976. If necessary, the Commissioner is hereby authorized in this, concurrent, and future

replies, to charge payment or credit any overpayment to Deposit Account No. 13-2725 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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